

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		5-CB-244398	7/3/2019
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union, Security, Police and Fire Professionals of America (SPFPA), Local 287	b. Union Representative to Contact (b) (6), (b) (7)(C)		
c. Address 25510 Kelly Rd. Roseville, MI 48066	d. Tel. No. (b) (6), (b) (7)(C)	e.e. Cell No.	
	f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)	
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the last six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the grievances of (b) (6), (b) (7)(C) regarding a write-up received about (b) (6), (b) (7)(C) and the employer's harassment, and for refusing to give (b) (6), (b) (7)(C) credentials to seek other employment for arbitrary or discriminatory reasons or in bad faith.			
3. Name of Employer Triple Canopy, Inc.		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 12018 Sunrise Valley Dr, Ste 140, Reston, VA 20191		6. Employer representative to contact Hannah Worek	
7. Type of Establishment (factory, mine, wholesaler) Security Contractor	8. Principal product or service Private security officers		9. Number of Workers employed 550
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No. (b) (6), (b) (7)(C)	
	11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)	
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		Tel. No. (b) (6), (b) (7)(C)
(signature of representative of person making charge)	Print/type name and title or office, if any		Cell No. (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)	Date: 07/02/19		Fax No.
			e-Mail: (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, SUITE 600
BALTIMORE, MD 21201

Agency Website: www.nlrb.gov
Telephone: (410) 962-2822
Fax: (410) 962-2198

November 19, 2019

Mr. Clark D. Browne
Employment Law Specialist
6368 Coventry Way, Suite 283
Clinton, MD 20735

Re: International Union, Security, Police and
Fire Professionals of America (SPFPA),
Local 287 (Triple Canopy, Inc.)
Case 05-CB-244398

Dear Mr. Browne:

We have carefully investigated and considered your charge that International Union, Security, Police and Fire Professionals of America (SPFPA), Local 287 has violated the National Labor Relations Act.

Decision to Dismiss: Based on our investigation, I have concluded that further proceedings are not warranted, and I am dismissing the charge for the following reasons:

The charge alleges that International Union, Security, Police and Fire Professionals of America (SPFPA), Local 287 (the Union) violated Section 8(b)(1)(A) of the National Labor Relations Act (the Act) by refusing to process (b) (6), (b) (7)(C) (the Charging Party) grievances for arbitrary or discriminatory reasons or in bad faith. Specifically, the Charging Party's grievances concerned a write-up received about (b) (6), (b) (7)(C), 2019; the Employer's harassment of the Charging Party; and the Employer's refusal to give the Charging Party (b) (6), (b) (7)(C) credentials to seek other employment.

Regarding the write-up received about (b) (6), (b) (7)(C), 2019, the Union promptly resolved this matter by securing an agreement whereby the Employer voided the write-up on or about (b) (6), (b) (7)(C) 2019. The investigation disclosed insufficient evidence that the Union failed to timely inform the Charging Party of this resolution. Rather, the evidence presented in this case indicated that when the Charging Party inquired about the status of a grievance over this matter, the Union promptly replied to the Charging Party's inquiries by requesting clarification on the subject matter of the grievance. The Charging Party responded to the Union's request; however, when the Union provided an additional response indicating a misunderstanding of the subject matter, the Charging Party did not provide additional clarification to address the misunderstanding. Additionally, the Charging Party raised a number of other questions to the Union and, the evidence indicates the Union continued to provide prompt and informative responses to said questions. With respect to the Charging Party's request that a grievance be filed over alleged harassment by the Employer, the investigation established the Charging Party raised general claims about Employer harassment with the Union; and, the Union responded by requesting that the Charging Party provide more specific information, and informing (b) (6), (b) (7)(C) that

depending on the nature of the harassment, (b) (6), (b) (7)(C) might need to contact the Equal Employment Opportunity Commission (EEOC). The Charging Party's response to the Union's inquiry again lacked specificity, as (b) (6), (b) (7)(C) complained about a (b) (6), (b) (7)(C) period of harassment without providing additional details. Given the Charging Party's inability to explain the alleged harassment, the Union was unable to determine whether a grievance should be filed. Nevertheless, the Union still provided information to address the purported harassment, as it noted that the claims might be more appropriately handled by the EEOC. Finally, the investigation also established the Union did not violate the Act by not filing a grievance regarding the Employer's alleged refusal to provide the Charging Party with (b) (6), (b) (7)(C) credentials. The investigation confirmed that employees obtain credentials when they complete courses that are paid for by the Employer. The Charging Party was not seeking (b) (6), (b) (7)(C) credentials for matters related to (b) (6), (b) (7)(C) terms and conditions of employment with the Employer; rather, (b) (6), (b) (7)(C) desired (b) (6), (b) (7)(C) credentials in order to secure employment with one of the Employer's competitors. Given these circumstances, the Union had no contractual basis to secure the Charging Party's credentials. Based on the foregoing, further proceedings are not warranted, and I am refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street, S.E., Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **December 3, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 2, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the

appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 3, 2019**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 3, 2019, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Nancy Wilson

Nancy Wilson
Acting Regional Director

Enclosure: Appeal Form

cc: (b) (6), (b) (7)(C)

Ms. Hannah Worek
Triple Canopy, Inc.
12018 Sunrise Valley Drive, Suite 140
Reston, VA 20191

Ms. Renee Davis, Acting President
International Union, Security,
Police and Fire Professionals of
America (SPFPA), Local 287
25510 Kelly Road
Roseville, MI 48066-4994

Gregory A. Gordon, Esq.
Gregory, Moore, Jeakle & Brooks, PC
65 Cadillac Square, Suite 3727
Detroit, MI 48226-2893



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

December 5, 2019

CLARK D. BROWNE
6368 COVENTRY WAY STE 283
CLINTON, MD 20735

Re: International Union, Security, Police and
Fire Professionals of America (SPFPA),
Local 287 (Triple Canopy, Inc.)
Case 05-CB-244398

Dear Mr. Browne:

We are granting your request for an extension of time to file an appeal to December 24, 2019. You must file your appeal electronically through the Agency's e-filing system or by U.S. mail or by private delivery service. Do not fax or email your appeal. This office will not process faxed or emailed appeals.

To ensure that your appeal is processed, please read and follow carefully the instructions below. We encourage you to file your appeal electronically through the Agency's e-filing system on the website www.nlrb.gov. If you choose to e-file your appeal, remember to allow enough time to complete the e-filing process by 11:59 pm (E.T.) on December 24, 2019. Otherwise, your appeal will be late.

- 1) Click on E-File documents;
- 2) Enter your NLRB Case Number; and,
- 3) Follow the detailed instructions.

If you file by mail or by delivery service, your appeal will be timely if it is postmarked or given to a delivery service no later than December 23, 2019. If your appeal is postmarked or given to a delivery service on the due date or after, this office will reject it as untimely. The Region must receive a copy by the same date. If hand delivered, an appeal must be received by

International Union, Security, Police and
Fire Professionals of America (SPFPA),
Local 287 (Triple Canopy, Inc.)
Case 05-CB-244398

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the General Counsel in Washington, D.C. by 5:00 p.m. E.T. on the appeal due date. If you do not submit an appeal in accordance with this paragraph, this office will reject it.

Sincerely,

Peter Barr Robb
General Counsel



By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: NANCY WILSON
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
BANK OF AMERICA CENTER,
TOWER II
100 S CHARLES ST STE 600
BALTIMORE, MD 21201

HANNAH WOREK
TRIPLE CANOPY, INC.
12018 SUNRISE VALLEY DR STE 140
RESTON, VA 20191

GREGORY A. GORDON, ESQ.
GREGORY, MOORE, JEAKLE
& BROOKS, PC
65 CADILLAC SQ STE 3727
DETROIT, MI 48226-2893

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

January 22, 2021

CLARK D. BROWN
6368 COVENTRY WAY STE 283
CLINTON, MD 20735

Re: International Union, Security, Police and
Fire Professionals of America (SPFPA),
Local 287 (Triple Canopy, Inc.)
Case 05-CB-244398

Dear Mr. Browne:

You were granted an extension of time to file an appeal in this case. However, no appeal was filed. Accordingly, we have closed this matter in our office.

Sincerely,

By: _____

Mark E. Arbesfeld, Director
Office of Appeals

cc: SEAN R. MARSHALL
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
BANK OF AMERICA CENTER,
TOWER II
100 S CHARLES ST STE 600
BALTIMORE, MD 21201

RENEE DAVIS
ACTING PRESIDENT
INTERNATIONAL UNION,
SECURITY, POLICE AND FIRE
PROFESSIONALS OF AMERICA
(SPFPA), LOCAL 287
25510 KELLY RD
ROSEVILLE, MI 48066-4994

International Union, Security, Police and
Fire Professionals of America (SPFPA),
Local 287 (Triple Canopy, Inc.)
Case 05-CB-244398

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(b) (6), (b) (7)(C)

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